



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

July 19, 2022

BY ECF

The Honorable Sidney H. Stein
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

**Re: United States v. Roger Thomas Clark,
S2 15 Cr. 866 (SHS)**

Dear Judge Stein:

The Government respectfully submits this letter in response to the Court's Order dated July 19, 2022. (Dkt. 148).

By way of context, in January 2020, defendant Roger Thomas Clark pleaded guilty to conspiracy to distribute massive quantities of narcotics, a charge arising out of his role as the senior adviser to the owner and operator of the "Silk Road" online illicit black market. Under the terms of his plea agreement, Clark admitted to, among other things, (1) his leadership role in Silk Road; (2) his urging and facilitating an attempted murder-for-hire in order to protect Silk Road; and (3) his obstruction of justice by lying under oath during his extradition proceedings in connection with this case. (Dkts. 47, 56). Clark is currently pending sentence, and the parties' primary sentencing letters have been filed. (Dkts. 63, 64, 74, 75). The parties' supplemental sentencing letters are due in advance of the September 2022 sentencing date.

On July 12, 2022, the Court issued an Order directing the Government to inform the Court, by July 19, 2022, whether "there is a reason why Clark's requests for a pen, notepad, his previously supplied laptop computer, and his legal materials should not be granted." (Dkt. 148). The Government has conferred with a United States Marshals Service ("USMS") supervisor, a representative of the BOP-Legal Department, and a supervisor with United Security, Inc. ("USI"), which contracts with USMS to provide security at hospitals for in-custody defendants who are receiving short- or long-term medical care.

The Government, USMS, BOP, and USI have no objection to Clark's requests for a pen, notepad, his previously supplied laptop computer, and his legal materials. There is a qualification as to the pen, however. As the Court may be aware, for safety reasons, inmates typically are granted access to a floppy pen (as distinct from a standard or regular pen). The safety concern is that a standard pen can be used to cause harm to others or self-harm. Nonetheless, as an

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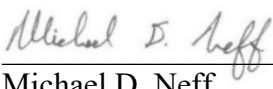
accommodation to Clark, USMS has approved Clark's having access to a standard pen whenever he requests it, so long as he is in fact using the pen for its intended purpose. To get access to the standard pen, Clark simply needs to ask the USI security guard for it. (The Government understands from USI that the standard pen resides in Clark's room, but is outside of his reach.)

Finally, as the Court is aware, the Court's July 12 Order also directed the Government to investigate the validity of Clark's factual allegations. Our investigation is ongoing, and we will report to the Court by the July 26 deadline.

Please let us know if any further information would be useful at this time.

Respectfully submitted,

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